

AMENDED IN SENATE JULY 17, 2007

AMENDED IN SENATE JULY 2, 2007

AMENDED IN ASSEMBLY MAY 7, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 920

Introduced by Assembly Member Brownley

February 22, 2007

An act to add Section 146g to the Penal Code, relating to crime information.

LEGISLATIVE COUNSEL'S DIGEST

AB 920, as amended, Brownley. Crime information: disclosure: consideration.

Existing law prohibits the dissemination or disclosure of certain personal information of peace officers, as specified.

This bill would make the disclosure, exchange, or the solicitation of the exchange of information, the disclosure of which is otherwise prohibited by law, obtained by certain persons in the course of a criminal investigation in return for ~~compensation or consideration~~ *financial gain* a misdemeanor punishable ~~only~~ by a fine, as specified. This bill would also make the solicitation of the exchange of information, the disclosure of which is otherwise prohibited by law, obtained by certain persons in the course of a criminal investigation in return for ~~compensation~~ *financial gain* a misdemeanor punishable ~~only~~ by a fine, as specified. In addition, this bill would make the solicitation or selling of any photograph or video taken inside any secure area of a law enforcement or court facility, the taking of which was not authorized by the law enforcement or court facility administrator, in exchange for

~~compensation or consideration~~ *financial gain* a misdemeanor punishable ~~only~~ by a fine, as specified. This bill would also require, upon conviction, the forfeiture of monetary compensation received for the exchange of information, as specified.

Because this bill would create new crimes, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. (a) A fair and just criminal justice system and
2 the public's faith and trust in the administration of California's
3 criminal justice system is necessary for an orderly and law-abiding
4 society.

5 (b) The public demands that the integrity of peace officers,
6 officers of the court, and court employees be above reproach. Peace
7 officers, court officers, and court employees must, therefore, avoid
8 any conduct that might compromise their integrity and thus
9 undercut the public's confidence in California's criminal justice
10 system.

11 (c) Peace officers, officers of the court, and court employees
12 must not receive private or special advantage from their official
13 status by selling or furnishing information gathered during the
14 scope of a criminal investigation or from access to a secure law
15 enforcement or court facility.

16 (d) Members of the public have a right to security and privacy,
17 and information obtained about them must not be improperly
18 divulged.

19 (e) Peace officers, officers of the court, or court employees who
20 sell confidential information obtained during the course of a law
21 enforcement investigation reduce the public's confidence and faith
22 in our criminal justice system.

23 SEC. 2. Section 146g is added to the Penal Code, to read:

1 146g. (a) Any peace officer, as defined in Chapter 4.5
2 (commencing with Section 830) of Title 3 of Part 2, an employee
3 of a law enforcement agency, an attorney as defined in Section
4 6125 of the Business and Professions Code employed by a
5 governmental agency, or any trial court employee as defined in
6 Section 71601 of the Government Code, who does either of the
7 following is guilty of a misdemeanor punishable ~~only~~ by a fine
8 not to exceed one thousand dollars (\$1,000):

9 (1) Discloses information, the disclosure of which is otherwise
10 prohibited by law, obtained in the course of a criminal investigation
11 in exchange for ~~compensation or consideration~~. *financial gain*.

12 (2) Solicits the exchange of information, the disclosure of which
13 is otherwise prohibited by law, obtained in the course of a criminal
14 investigation for ~~compensation or consideration~~. *financial gain*.

15 ~~(b) Any person who solicits any other person described in~~
16 ~~subdivision (a) to disclose information, the disclosure of which is~~
17 ~~otherwise prohibited by law, obtained in the course of a criminal~~
18 ~~investigation in exchange for compensation or consideration.~~
19 ~~Violation of this subdivision is a misdemeanor punishable only~~
20 ~~by a fine not to exceed one thousand dollars (\$1,000).~~

21 *(b) Any person who solicits any other person described in*
22 *subdivision (a) to disclose information, the disclosure of which is*
23 *otherwise prohibited by law, obtained in the course of a criminal*
24 *investigation for financial gain, is guilty of a misdemeanor,*
25 *punishable by a fine not to exceed one thousand dollars (\$1,000).*

26 (c) (1) Any person described in subdivision (a) who solicits or
27 sells any photograph or video taken inside any secure area of a
28 law enforcement or court facility, the taking of which was not
29 authorized by the law enforcement or court facility administrator,
30 ~~in exchange for compensation or consideration for financial gain~~
31 is guilty of a misdemeanor punishable ~~only~~ by a fine not to exceed
32 one thousand dollars (\$1,000).

33 (2) Any person who solicits any person described in subdivision
34 (a) to disclose any photograph or video taken inside any secure
35 area of a law enforcement or court facility, the taking of which
36 was not authorized by the law enforcement or court facility
37 administrator, ~~in exchange for compensation or consideration for~~
38 *financial gain*, is guilty of a misdemeanor punishable ~~only~~ by a
39 fine not to exceed one thousand dollars (\$1,000).

~~(d) Upon conviction of and in addition to the penalty prescribed by either subdivision (a) or (b), the defendant shall forfeit any monetary compensation received in violation of this section and the money shall be deposited in the Victim Restitution Fund.~~

(d) Upon conviction of and in addition to any other penalty prescribed by this section, the defendant shall forfeit any monetary compensation received in violation of this section and the money shall be deposited in the Victim Restitution Fund.

(e) Nothing in this section shall apply to officially sanctioned information, photographs, or video, or to information, photographs, or video obtained or distributed pursuant to the California ~~Whistle-blower~~ Whistleblower Protection Act or the Local Government Disclosure of Information Act.

(f) This section shall not be construed to limit or prevent prosecution pursuant to any other applicable provision of law.

~~SEC. 2.~~

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.